

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STUART CORR

Appeal No. 95-5108
Application 07/957,080¹

ORDER REMANDING TO EXAMINER

On January 27, 1995, an Examiner's Answer (Paper No. 16) which raised a new ground of rejection was entered. Applicant filed a Reply Brief in response to the new ground on March 27, 1995 (Paper No. 19). The examiner acknowledged the Reply Brief in a communication entered on April 3, 1995 (Paper No. 20). Section 1208.04 of the Manual of Patent Examining Procedure (MPEP) (6th Ed., Rev. 1, Sept. 1995) states:

If the reply brief was filed in response to a new ground of rejection in the examiner's answer, the examiner must issue a supplemental answer indicating whether the new ground of rejection has been overcome, and, if it has not, explaining why not.

¹ Application for patent filed October 7, 1992.

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The communication of April 3, 1995 (Paper No. 20) does not comply with the above requirement.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for proper response to the new ground of rejection in the Answer entered January 27, 1995 (Paper No. 16) and for such further action as may be appropriate.

The application, by virtue of its "special" status, requires immediate action. See MPEP § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS
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By: 

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